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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,124	11/19/2003	Corydon Joseph Boyan	10030882-1	9103

7590 12/05/2005

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EXAMINER	
LAU, TUNG S	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,124	BOYAN ET AL.	
	Examiner	Art Unit	
	Tung S. Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Agilent technologies PSA Series Spectrum Analyzers (May 2002).

Regarding claim 1:

Agilent technologies PSA Series Spectrum Analyzers discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (fig. 8-8, 8-7); marking a stop frequency with the band marker (fig. 8-8, 8-7); Marking a center frequency located half way between the start frequency and the stop frequency, wherein the center frequency, the start frequency, and the stop frequency are simultaneously marked by the band marker (page 10, 61-62, 66-67, fig. 2-1); performing mathematical operation on a bandwidth of the signal between the start frequency and the stop frequency (fig. 8-8, 8-7); and, displaying a numerical value representing a result of the mathematical operation (fig. 8-8, 8-7 fig. 5-2).

Figure 8-7 ACP Measurement on a Base Station W-CDMA Signal

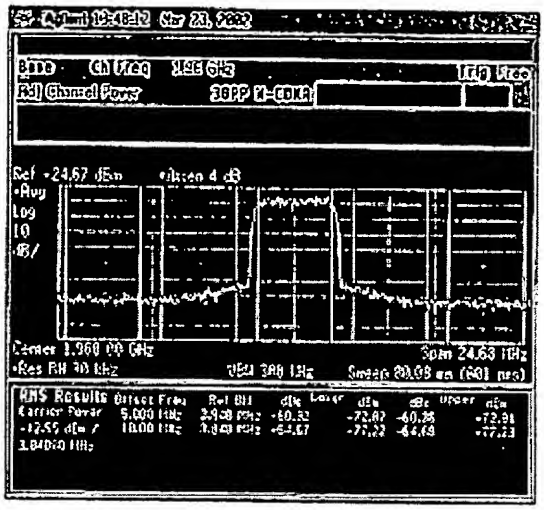
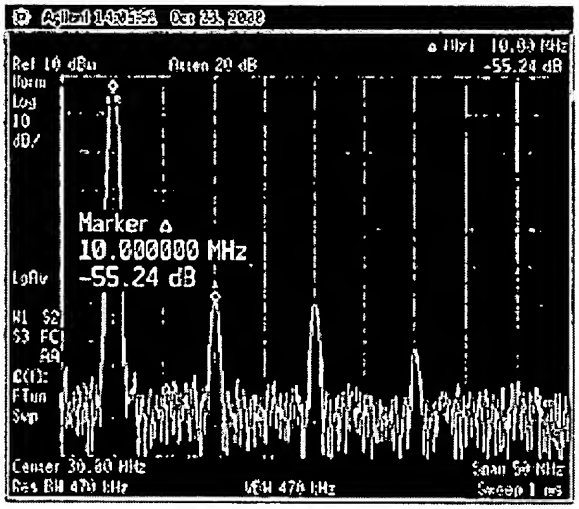


Figure 2-1 Reading the Marker Delta Value

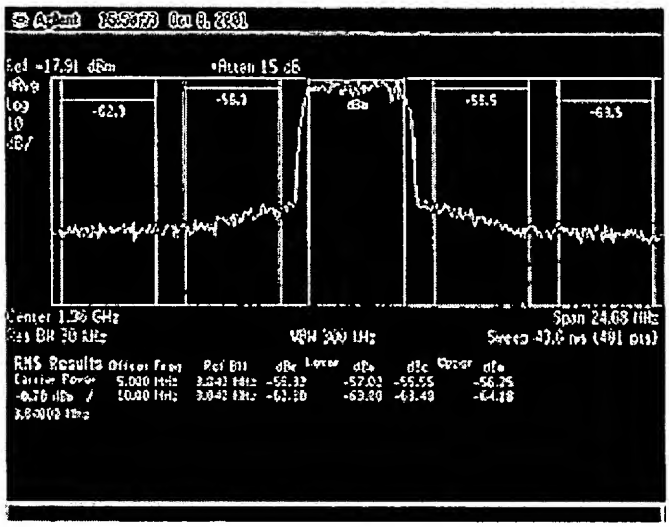


Regarding claim 7:

Agilent technologies PSA Series Spectrum Analyzers discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (fig. 8-8, 8-7), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth a stop frequency of the bandwidth and a center frequency of the bandwidth (fig. 8-8, 8-7, fig. 2-1);

wherein the electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation (fig. 8-7, fig. 8-8 fig. 5-2).

Figure 8-8 ACP Measurement in Full Screen Display



Regarding claim 14:

Agilent technologies PSA Series Spectrum Analyzers discloses an electronic instrument, comprising: an input means for receiving selections from a user (page 66); and, a display means for displaying a signal and a band marker (fig. 8-8, 8-7), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth and a center frequency of the bandwidth (fig. 8-8, 8-7, fig. 2-1); wherein the electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and

displays a numerical value representing a result of the mathematical operation (fig. 8-8, fig. 8-7, fig. 5-2).

Regarding claim 2, 8, 15, Agilent technologies PSA Series Spectrum Analyzers further discloses band power representing a total amount of power of the signal within the bandwidth of the signal between the start frequency and the stop frequency (page 66, fig. 8-8, 8-7); Regarding claim 3, 9, 16. Agilent technologies PSA Series Spectrum Analyzers further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and, wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (fig. 8-7); Regarding claim 4,10, 17, Agilent technologies PSA Series Spectrum Analyzers further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line; and; wherein the center frequency is indicated by a center diamond of the band marker (fig. 8-7, fig. 3-1, 3-2, fig. 2-1); Regarding claim 5, Agilent technologies PSA Series Spectrum Analyzers further discloses marking a second start frequency with a second band marker (fig. 8-7); marking a second stop frequency with the second band marker; and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along with the bandwidth of the signal between

the start frequency and the stop frequency (fig. 8-7, 8-8); Regarding claim 6, 13, 20, Agilent technologies PSA Series Spectrum Analyzers further discloses delta band power (fig. 8-7, 8-7);); Regarding claim 11, 18, Agilent technologies PSA Series Spectrum Analyzers further discloses the display additionally displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 8-7); Regarding claim 12, 19, Agilent technologies PSA Series Spectrum Analyzers further discloses the display additionally displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth; wherein the electronic instrument performs a delta function on the second bandwidth of the signal vis-à-vis the bandwidth of the signal between the start frequency and the stop frequency (fig. 8-7, 8-8).

Response to Arguments

2. Applicant's arguments on 11/21/2005 with respect to the amended claims have been considered but are not persuasive.

A. Applicant argues that the prior art does not show 'a start frequency a stop frequency and a center frequency are simultaneously mark by a band marker'. Agilent technologies PSA Series Spectrum Analyzers clearly discloses 'a start frequency a stop frequency and a center frequency are simultaneously mark by a band marker' in fig. Page 10, 2-1, 66-67, fig. 8-8, 8-7. in page 10, the system

indicate the center frequency with a span of 50mhz, amplitude y scale of 1.0dBm and 10mhz output the marking is 'simultaneously' by the diamond mark on fig. 2-1, page 10.

B. Applicant argues that the prior art does not show 'marking of a center frequency by a diamond of band marker'. Agilent technologies PSA Series Spectrum Analyzers clearly discloses 'marking of a center frequency by a diamond of band marker' in page 10, 61-62, 66-67, fig. 2-1.

C. Applicant argues that the prior art does not show 'mathematical operation on the bandwidth of the signal between start and stop frequency and display a numerical value representing the result'. Agilent technologies PSA Series Spectrum Analyzers clearly discloses 'mathematical operation on the bandwidth of the signal between start and stop frequency and display a numerical value representing the result in page 10, 61-62, 66-67, fig. 2-1.

The examiner reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During

examination, the claims must be interpreted as broadly as their terms reasonably allowed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). To anticipate a claim, the reference must teach every element of the claim, A claim is anticipated only if each and every elements as set forth in the claim is found, either expressly or inherently, in a single prior art reference, See Verdegaal Bros. V. union Oil Co. of California, 814F2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), Agilent technologies PSA Series Spectrum Analyzers clearly discloses every limitation in the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

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